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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

UNITED STATES OF AMERICA for the use of NORTH
STAR TERMINAL & STEVEDORE COMPANY, d/b/a
NORTHERN STEVEDORING & HANDLING, and NORTH
STAR TERMINAL & STEVEDORE COMPANY, d/b/a
NORTHERN STEVEDORING & HANDLING, on its own
behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of SHORESIDE
PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE,
and SHORESIDE PETROLEUM, INC., d/b/a
MARATHON FUEL SERVICE, on its own behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK
PRODUCTS, INC.; UNITED STATES FIDELITY AND
GUARANTY COMPANY; and ROBERT A. LAPORE,

Defendants.

No. A98-009 CIV (HRH)

**UNITED STATES FIDELITY AND GUARANTY COMPANY'S RESPONSES TO
PLAINTIFFS NORTH STAR TERMINAL & STEVEDORE COMPANY'S SECOND SET OF
DISCOVERY REQUESTS**

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8 COME NOW the Defendant, United States Fidelity and Guaranty Company, herein
9 (hereinafter "USF&G"), by and through their undersigned counsel, Barokas Martin &
10 Tomlinson, and herein responds to Plaintiff, North Star Terminal & Stevedore Company,
11 (hereinafter "North Star"), Second Set of Discovery Requests as follows:

12 **GENERAL OBJECTIONS**

13 A. Responding Party objects to the extent that any Discovery Request seeks
14 discovery of documents or information protected by the attorney-client privilege, the work
15 product doctrine, or any other recognized legal privilege.

16 B. Responding Party objects to the extent that any Discovery Request (i) seeks
17 information not reasonably calculated to lead to discovery of admissible evidence, (ii) is
18 over broad or unduly burdensome, and/or (iii) is vague or ambiguous.

19 C. Responding Party objects to the extent that any Discovery Request calls for
20 information that may reasonably be derived or ascertained from the parties' business
21 records (as produced in discovery) or from an examination, audit or inspection of those
22 records.

23 D. Responding Party objects to the extent that any Discovery Request, or its
24 accompanying instructions, call for information or details beyond what is required under the
25 Alaska Rules of Civil Procedure.

26 E. Responding Party objects to the extent that any Discovery Request seeks
27 information within North Star's own possession or control.

28 F. Responding Party objects to these Discovery Requests to the extent that
they call for a level of detail beyond the reasonable scope of Discovery and which is more
appropriate for discovery by depositions.

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8 G. The following Responses to North Star's Discovery Requests are made
9 subject to the foregoing objections which are incorporated into each and every answer.

10 **RESPONSES TO REQUEST FOR PRODUCTION AND INTERROGATORIES**

11 **INTERROGATORY NO. 6:** State the date on which United States Fidelity and guaranty
12 Company or any of the St. Paul Insurance Companies and/or any of their employees,
13 officers or directors first became a client of Oles Morrison Rinker & Baker law firm, by that
14 or any other name, and state the name and nature of that representation including client
15 and court case name and court case name and court case number if any.

16 **RESPONSE:** Documents responsive to this Discovery Request have previously
17 been produced. The date the firm entered an appearance would be the date that the
18 formal representation began as regards the instant litigation.

19 **INTERROGATORY NO. 7:** State all other times, by date the United States Fidelity and
20 Guaranty Company or any of the St. Paul Insurance Companies and/or any of their
21 employees, officers or directors have been a client of Oles Morrison Rinker & Baker law
22 firm, by that or any other name, and state the name and nature of each of their
23 representations including client and court case name and court case number if any.

24 **RESPONSE:** This Interrogatory is much too broad and unduly burdensome to
25 respond to as Defendant has no idea if any employee's, officers, or former directors have
26 ever been clients of the firm. The firm may have previously provided representation to
27 Answering Defendant with regard to bond claims. The claims are made under the name
28 of the principal and it is extremely difficult to determine particular firms representing
Answering Defendant on any specific occasions. Answering Defendant is conducting a
search of its records in an attempt to more fully respond to this Interrogatory.

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INTERROGATORY NO. 8: State the date on which United States Fidelity and Guaranty Company or any of the St. Paul Insurance Companies and/or any of their employees, officers or directors was first used or designated as an expert witness or consultant for the Oles Morrison Rinker & Baker law firm, by that name and nature of that representation including client and court case name and court case number if any.

RESPONSE: Answering Defendant does not provide consultation or expert witness services and, therefore, has never been employed by said firm in that capacity. Answering Defendant cannot possibly know if any employees, officers or former directors served as an expert witness or consultant for said firm in their individual capacity outside their employment with Answering Defendant.

INTERROGATORY NO. 9: State all other times, by date, that United States Fidelity and Guaranty Company or any of the St. Paul Insurance Companies and/or any of their employees, officers or directors has been used or designated as an expert witness or consultant for the Oles Morrison Rinker & Baker law firm, by that or any other name, or any of its clients, and state the name and nature of each of those representations including client and court case name and court case number if any.

RESPONSE: See Response to Interrogatory No. 8.

INTERROGATORY NO. 10: Describe in full detail each factual basis which supports, or tends to support, the allegations in each of the affirmative defenses stated in your Answer and Affirmative Defenses dated September 21, 2005 to North Star's Amended Complaint.

RESPONSE: See Response of Defendant, Nugget Construction, Inc., to a similar Discovery Request as Answering Defendant was also being represented by Oles Morrison Rinker & Baker on the date the Affirmative Defenses were forwarded on behalf of both

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8 Defendants. The only independent claim forwarded by Defendants against Answering
9 Defendants is one based on bad faith. There exists absolutely no evidence of any bad
10 faith of Answering Defendant. Answering Defendant has no obligation to settle the
11 litigation independent from its principal, and chose not to do so. This is not bad faith.
12 There exists no intelligible articulated claim for bad faith against Answering Defendant
13 outside this specific allegation. The matter will be addressed in a Summary Judgment
14 Motion, as will the Amended Affirmative Defense of Statute of Limitations forwarded by the
15 undersigned, as the Statute of Limitations expired on the claims asserted by Plaintiff
16 against Defendant long before Plaintiff's Amended Complaints dated August 31, 2005.

17 INTERROGATORY NO. 11: Completely describe the subject and contents of the
18 information relevant to this case held by each person listed on your final witness list due
19 February 14, 2006, herein.

20 RESPONSE: See Response to Interrogatory No. 12.

21 INTERROGATORY NO. 12: Specifically state the subject matter and content of the
22 anticipated testimony of each witness listed on your final witness list due February 14,
23 2006, herein.

24 RESPONSE: See General Objections. This Discovery Request calls for a level of
25 detail beyond the reasonable scope of Discovery and which is more appropriate for
26 Discovery by depositions. This Discovery Request calls for information or details which is
27 beyond what is required under the Alaska Rules of Civil Procedure.

28 REQUEST FOR PRODUCTION NO. 11: Produce any and all unprivileged documents
reflecting or otherwise relating to the information requested by Interrogatory No. 6 through
12 propounded above.

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8 **RESPONSE:** Any and all documents, including those which are privileged, have
9 previously been produced by Answering Defendant. Answering Defendant is outraged that
10 it went through the process of waiving the privilege and providing all documents, to no
11 avail, as Plaintiffs continue in their bad faith conduct of proceeding against Answering
12 Defendant for a bad faith cause of action when Plaintiff's own bad faith conduct drives this
13 instant litigation. Appropriate Motions for attorney fees will be filed.

14 Dated this _____ day of March, 2006.

15 Herbert A. Viergutz, Alaska Bar No. 8506088

16 **OATH**

17 United States Fidelity and Guaranty Company, does hereby swear, under oath, that
18 the foregoing answers to discovery requests are true to the best of its knowledge and
19 belief.

20 Dated this 14th day of March, 2006.

21 United States Fidelity and Guaranty Company

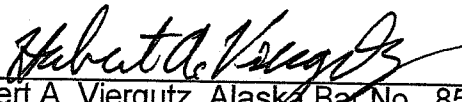
22 By: [Signature]
23 Printed Name: JANIS S. Smith
24 Its: Brand Claim Counsel (title)

25 SUBSCRIBED AND SWORN TO before me this 14th day of March, 2006.

26 [Signature]
27 Notary Public in and for State of Maryland
28 My Commission Expires: 01-01-07

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Counsel for USF&G

Dated this 16 day of March, 2006.


Herbert A. Viergutz, Alaska Bar No. 8506088

OATH

United States Fidelity and Guaranty Company, does hereby swear, under oath, that the foregoing answers to discovery requests are true to the best of its knowledge and belief.

Dated this _____ day of March, 2006.

United States Fidelity and Guaranty Company

By: _____
Printed Name: _____
Its: _____ (title)

SUBSCRIBED AND SWORN TO before me this _____ day of March, 2006.

Notary Public in and for _____
My Commission Expires: _____

CERTIFICATE OF SERVICE

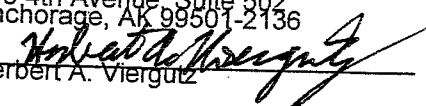
THEREBY CERTIFY that a true copy of the above was mailed on the 16 day of March, 2006, to:

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